

ANDOVER BOARD OF HEALTH
Minutes
May 9, 2011, 6:00 P.M.
First Floor Conference Room
36 Bartlet Street

The Board of Health Meeting was called to order at 6:27 p.m. Present were Ms. Candace B. Martin, Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health. Dr. Donald H. Miller, Vice-Chairman, was not in attendance due to a scheduling conflict. The meeting started late because there was a traffic accident on the highway.

I. Approval of Minutes

- **Regular Meeting of April 4, 2011**

Motion by Ms. Martin seconded by Ms. Kellman to approve the Minutes of the Meeting of April 4, 2011. Unanimous approval.

II. Appointments & Hearings

- **6:00 p.m. – Ben Osgood, Jr. for 30 Fosters Pond Rd., LUA to allow SAS 86’ from a Well, 100’ required; SAS 17’ to Foundation, 20’ Required** – Present was Engineer, Vivek Trivedi who was filling in for Ben Osgood who could not attend the meeting. Mr. Trivedi asked for a continuance of the Hearing for the next regularly scheduled Board of Health Meeting on Monday, June 13, 2011. Mr. Carbone explained that the part of the LUA concerning closeness of a neighboring well requires that the neighbor be notified ten (10) days prior to the meeting and that goal was not reached. The water test for the well has not been done either. Mr. Trivedi informed the Board that Mr. Osgood got a verbal approval from the neighbor, but that is not sufficient. This will stay a two-bedroom home. The Board discussed if different systems can be used or if there were other locations for the wells. Mr. Carbone recommended that the Board continue the Hearing.

Motion by Ms. Martin, seconded by Ms. Kellman to continue the Hearing to the regularly scheduled Board of Health Meeting on June 6, 2011. Unanimous approval.

- **6:15 p.m. – Michelle Doucette for School’s Out Camp – Request to Run a Recreational Camp for Children at 57 River Road** - Ms. Michelle Doucette was present to apply to the Board of Health for a new camp. Mr. Carbone informed the Board that since this was a new camp, the application process is still on-going and that all new camp applicants have to appear before the Board of Health. Another requirement is that an ad be placed in the newspaper, and Ms. Doucette placed the ad in the Andover Townsman last week. Ms. Doucette can start the CORI process and get all her paperwork in order once she is approved at this meeting. The Camp will be located at the Greater Lawrence Tech School. Mr. Carbone recommended approval.

Motion by Ms. Martin, seconded by Ms. Kellman to approve the School's Out Camp, subject to final review and approval of the plans by the Health Staff. Unanimous approval.

- **6:20 p.m. – Gayle Wells for 21 Off Webster St.; Appeal of Condemnation ORDER** – Present was Ms. Gayle Wells, Trustee, for 21 Off Webster St. Mr. Carbone explained to the Board that this was a septic system that had been identified as failed several years ago when a Title V inspection was done to put the house on the market. In 2008 Ms. Wells engaged William Dufresne of Merrimack Engineering to do a septic system design. The design was submitted, but when Mr. Carbone did the final review, he went out to view the site, and noticed ground water sitting on top of the ground. This made him question whether they had identified the right elevations for the ground water on the plan. Mr. Carbone contacted Mr. Dufresne and he agreed to go back out to the site to re-test, but that didn't happen. As Mr. Carbone was going through the open permits this year, he came across this, and realized it was time to address the issue. Mr. Carbone issued an ORDER but didn't hear back from anyone, so he issued the Condemnation ORDER. At that point, Mr. Carbone reached out to the Realtor. Ms. Wells stated that she did not receive the original letter. Ms. Martin asked if the house was currently empty, and Ms. Wells confirmed that it was because there is other work that needs to be done also. The house is now back on the market. Ms. Wells explained that Mr. Dufresne was going to do the testing within the next couple of weeks. Mr. Carbone confirmed that Mr. Dufresne sent Mr. Carbone an e-mail on Friday that he was currently working with Ms. Wells regarding the matter and notified Mr. Carbone that soil testing would be delayed until the high water table recedes. Ms. Wells explained that she grew up in the house, and there were always issues with water in the Spring and after heavy rains. Mr. Carbone felt that testing could begin in mid-June, and then we could go to the Conservation Commission with the new plans. Ms. Wells was not sure if she had an Order of Conditions from the Conservation Commission, but needs Field Agent, Linda Cleary, to further investigate the property. Since doing the soil testing and dealing with the Conservation issues is time consuming, Ms. Martin suggested continuing the Hearing until August so these things can be dealt with.

Motion by Ms. Martin, seconded by Ms. Kellman, to continue the Hearing to the regularly scheduled Board of Health Meeting in August for a progress update. Unanimous approval.

- **6:30 p.m. – Ben Osgood, Jr. for Northfield Commons – Request for a Special Permit to Install a Sewer Pump Station** – The Board opened the Hearing. Present were Engineer, Vivek Trivedi, who was filling in for Ben Osgood who could not attend the meeting and John Hess, Treasurer of the Lawrence Rod & Gun Club. Mr. Carbone is requesting that the Board of Health continue the Hearing to the next regularly scheduled Board of Health Meeting on Monday, June 13, 2011. Mr. Carbone explained that when the Sewer Regulations were amended, a procedure was put in place stating that multi-users of a Pump Station needed the approval of the Board of Health. There are documents needed that have not yet been provided such as a Homeowners' Agreement stating who will operate and maintain the pump as well

as the procedure to follow if there is a problem. Mr. Hess expressed his concerns that the entrance on Webster Street is on the downside of the property and questioned if the pump was needed to pump up the hill or if the sewer capacity is not adequate enough. He was concerned that since the trees have been stripped and now the soil is mostly clay, the runoff will run into the Rod and Gun Club property and there won't be enough drains to handle the runoff. Mr. Carbone explained that a pump was needed because the sewer connection is higher than the property. Mr. Trivedi explained because of the outlets and the change in the grading of the houses nearby there will actually be less water runoff onto the Gun Club property, and the Stormwater issues have all been approved by Conservation. Mr. Carbone suggested that both parties get together outside to discuss the runoff issues.

Motion by Ms. Martin, seconded by Ms. Kellman, to continue the Hearing to a date uncertain so that the Engineer can submit all required missing documents for review,. Unanimous approval.

III. Discussion

- N/A

IV. Old Business

- N/A

V. Definitive Subdivision Plans

- N/A

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approval (LUA)

- **20 Oriole Drive - Allow 1 Soil Test Where 2 are Required** - Mr. Carbone explained that the engineer requested one test hole because there is not a lot of room at the lot to do two tests. Mr. Carbone recommended approval of the LUA.

Motion by Ms. Martin, seconded by Ms. Kellman, to approve the LUA to allow one soil test where two are required. Unanimous approval.

- **16 Tiffany Lane – Allow SAS to be 164' from a Tributary to a Water Supply Where 200' is Required (Ratify)** – Mr. Carbone stated that he had polled the Board and explained that this was an emergency situation. The system has already been put in, so the Board just needed to ratify the LUA. The separation distance was maximized.

Motion by Ms. Martin, seconded by Ms. Kellman to ratify the LUA to allow the SAS to be 164' from a tributary to a water supply where 200' is required. Unanimous approval.

- **2 Jordyn Lane – Allow a Sieve Analysis in Lieu of a Percolation Test (Ratify)** – Mr. Carbone stated that he had polled the Board and explained that this was an emergency situation. The system has already been put in, so the Board just needed to ratify the LUA.

Motion by Ms. Martin, seconded by Ms. Kellman to ratify the LUA to allow a sieve analysis in lieu of a Percolation test. Unanimous approval.

- **8 Rindge Road – Allow SAS to be 4' Above Water Table Where 5' is Required (Ratify)** – Mr. Carbone stated that he had polled the Board and explained that this was an emergency situation. The system has not been put in yet, but Mr. Carbone recommended ratification of the LUA.

Motion by Ms. Martin, seconded by Ms. Kellman to ratify the LUA to allow the SAS to be 4' above the water table where 5' is required. Unanimous approval.

- **5 Tessier Drive – Allow SAS to be 14' from Foundation, 20' Required** – Mr. Carbone explained that there would be less damage to the landscaped island of the property by allowing this LUA and there would be no impact on the water quality because they are meeting the full setback to the water table. Ms. Martin asked if a barrier would be needed. Mr. Carbone replied that an impervious barrier could be required since the SAS will be within 15' of the foundation.

Motion by Ms. Martin, seconded by Ms. Kellman, to allow the SAS to be 14' from the foundation, where 20' is required with the requirement to put in an impervious barrier to protect the segregation to the foundation. Unanimous approval.

VII. Staff Reports

A. Director's Report:

- **Important Dates:**

- May 17, 2011 @ 6 p.m. – MRC Training – Town House
- June 13, 2011 @ 6 p.m. – Board of Health Meeting
- July 11, 2011 @ 6 p.m. – Board of Health Meeting

- **27 Kirkland Drive Update (Not on Agenda)** – Mr. Carbone informed the Board that he stopped by to check to see if any progress was made in cleanup of the property. He found that the Dumpster company came to pick up the dumpster, but cars with flat tires were in the way. The Dumpster was open causing concern that animals could be getting in. Mr. Carbone saw Mark Santangelo, and informed him he needed to add the full bags of trash to the dumpster and keep the door closed. Mr. Carbone will be back in court in ten days.

- **Boston King Café Update – (Not on Agenda)** – Mr. Carbone informed the Board that there is a rat problem in this area again this year. The owner was told to remove the dumpster and thoroughly clean the enclosure. When the area was inspected the next day, bags of trash were found on the ground. There continues to be dumpster issues with this establishment, so Mr. Carbone issued a ticket. There are major rat burrows including the area by the Public Safety Center which will require hiring a pest control company. Mr. Carbone decided to send the pest control bill to the Boston King Café because they are not taking responsibility to control the problem.

Mr. Carbone also found issues inside the food establishment, such as staff wearing only one glove and handling meat with the other. Mr. Carbone will issue another fine, and will deliver the ticket tomorrow.

- **Health Internships (Not on Agenda)** – Mr. Carbone informed the Board that we have one Intern starting on May 23rd, 2011. Her project will be to help develop the Health website to get last year's Intern, Kirstin Heinrich's project up on line. Ms. Heinrich's project was to prepare trail maps by looking at all the available Andover maps together and identifying several different mapping systems – Avis, Town, and Conservation areas. Mr. Carbone had another Intern coming in next week.
- **Fluoride Article (Not on Agenda)** – Mr. Carbone explained to the Board that the CDC and EPA will recommend that the fluoride content in the drinking water be reduced, not eliminated. The Board wanted to comply with the recommendation, and asked Mr. Carbone to get the original information that was gathered when the project first started in Town. Mr. Carbone thought the Board of Health received approval from the State, but would pull the old Minutes if needed. He will speak with Dr. Dunbar who was the Chairman at the time as well Mr. Everett Penney, Jr., who was the Director of Public Health.

B. **Nurses' Reports for March and April, 2011** – The Nurses' Reports for March and April 2011, were for informational purposes only.

C. **Inspectors' Reports for March and April, 2011** – The Inspectors' Reports for March and April, 2011 were for informational purposes only.

VIII. **Board Member Reports**

- N/A

IX. **Adjournment**

Motion by Ms. Martin, seconded by Ms. Kellman, to adjourn at 7:27 p.m. Unanimous approval.